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May 16, 2022

**BY EMAIL: [cmayo@mayomallette.com](mailto:cmayo@mayomallette.com)**

J. Cal Mayo, Jr.  
Mayo Mallette PLLC  
2094 Old Taylor Road, Suite 200  
Oxford, Mississippi 38655

Re: ***Rosenfeld v. AC2T, Inc.*; 1:20-cv-4662 (E.D.N.Y.)**  
**Deficiencies in Response to Subpoena to Donald Yee**

Dear Mr. Mayo:

As you know, this firm represents AC2T, Inc. in the lawsuit referenced above. I write regarding apparent deficiencies in your client Donald Yee's response to AC2T's subpoena in the action, including the supplemental production that you made on behalf of Dr. Yee on April 13, 2022.

We do not see in Dr. Yee's production any lab books relating to the study described in the Paper. We also do not see documents relating to the chain of custody for the sugar and salt used in that study, or the decision to test a solution containing 1.03% salt but not test other salt concentrations. Documents relating to the study and its methodology are responsive to Subpoena Requests 2 and 3, and should be produced. Documents relating to the salt content levels that Dr. Yee tested are also specifically responsive to Request 18. Please produce any such documents, or state in writing that Dr. Yee does not have any in his possession, custody, or control.

There are also categories of communications responsive to the Subpoena that we did not see in Dr. Yee's production. It does not appear that Dr. Yee produced communications with persons who provided funding for the study described in the Paper. Those communications would be responsive to Request 5. Also, the Paper indicates that it was reviewed by two anonymous reviewers, yet it does not appear that communications with those reviewers were produced. Such documents would be responsive to Requests 1, 2, 3 and 4. In addition, we did not see in the production any communications with University of Southern Mississippi's Office of Research concerning the Paper, the Product, Hirsch, Bonner. Such documents would be responsive to Request 11 and 19. All such documents should be produced. Again, if Dr. Yee maintains that he does not have any of these documents in his possession, custody, or control, please state that in writing.



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In addition, the documents produced to date reference a Twitter account that Dr. Yee uses, but no documents from this account were included in the production. To the extent he posted or received messages on his Twitter account that are responsive to the Subpoena, those should also be produced. Similarly, if he has communications or postings on other social media (Facebook, Instagram, etc.) that are responsive to any of the Requests in the Subpoena, they should be produced as well.

I look forward to your response.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Edward P. Boyle", with a long, sweeping horizontal line extending to the right.

Edward P. Boyle